

DECLARATION OF NON-ESTABLISHMENT OF INTERNATIONAL SEARCH REPORT

(PCT Article 17(2)(a), Rules 13ter.1(c) and Rule 39)

Applicant's or agent's file reference EH-0148 PCT	IMPORTANT DECLARATION	Date of mailing(day/month/year) 23/09/2005
International application No. PCT/US2005/010723	International filing date(day/month/year) 30/03/2005	(Earliest) Priority date(day/month/year) 10/05/2004
International Patent Classification (IPC) or both national classification and IPC G05B19/042		
Applicant EX ONE CORPORATION		

This International Searching Authority hereby declares, according to Article 17(2)(a), that **no international search report will be established** on the international application for the reasons indicated below

1. ☐ The subject matter of the international application relates to:
 - a. ☐ scientific theories.
 - b. ☐ mathematical theories
 - c. ☐ plant varieties.
 - d. ☐ animal varieties.
 - e. ☐ essentially biological processes for the production of plants and animals, other than microbiological processes and the products of such processes.
 - f. ☐ schemes, rules or methods of doing business.
 - g. ☐ schemes, rules or methods of performing purely mental acts.
 - h. ☐ schemes, rules or methods of playing games.
 - i. ☐ methods for treatment of the human body by surgery or therapy.
 - j. ☐ methods for treatment of the animal body by surgery or therapy.
 - k. ☐ diagnostic methods practised on the human or animal body.
 - l. ☐ mere presentations of information.
 - m. ☐ computer programs for which this International Searching Authority is not equipped to search prior art.
2. ☒ The failure of the following parts of the international application to comply with prescribed requirements prevents a meaningful search from being carried out:

☒ the description

☒ the claims

☒ the drawings
3. ☐ The failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions prevents a meaningful search from being carried out:


☐ the written form has not been furnished or does not comply with the standard.

☐ the computer readable form has not been furnished or does not comply with the standard.
4. ☐ The failure of the tables related to the nucleotide and/or amino acid sequence listing to comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions prevents a meaningful search from being carried out:

☐ the written form has not been furnished.

☐ the computer readable form has not been furnished or does not comply with the technical requirements.
5. Further comments:

Independent claims 1 and 6 of the present application are so unclear that a meaningful search with respect to novelty and inventive step of the subject-matter of independent claims 1 and 6 appears not possible.

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FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 203

Independent claims 1 and 6 of the present application are so unclear that a meaningful search with respect to novelty and inventive step of the subject-matter of independent claims 1 and 6 appears not possible.

Reasons:

Claim 1 comprises the following features:

- a) selecting an article to be made,
- b) holistically designing the article and the manufacturing process for making the article,
- c) capturing the resulting designs of the article and the manufacturing process.

The subject-matter of claim 1 relates to designing an article and the process to manufacture this article. In this context the features a) and b) are not suitable to characterise an invention. Without selecting the article to be designed the designing process is not possible and without capturing the results the designing process does not make any sense. So, it remains only feature b) which could be considered to be appropriate to characterise an invention. However, holistically is a meaningless expression in this context. Therefore, feature b) is so unclear that it is not possible to decide whether found prior art documents are relevant or not.

Further, the applicant did not cite a prior art document in the description. He did not mention the problem in the prior art and did not give a solution to overcome the problem in the prior art. So, it is totally unclear which problem is solved by the method according to claim 1.

Claim 6 only differs from claim 1 in that there is claimed a designing process for a class of articles to be made.

Due to the fact that claims 1 and 6 are unclear, a meaningful search is not possible (Article 17(2)(a)(ii) PCT).

The applicant's attention is drawn to the fact that claims relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure. If the application proceeds into the regional phase before the EPO, the applicant is reminded that a search may be carried out during examination before the EPO (see EPO Guideline C-VI, 8.5), should the problems which led to the Article 17(2) declaration be overcome.